

# Potterspury Lodge School

# Equality and Diversity Policy

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## Equality and Diversity Policy Potterspury Lodge School

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### 1 Summary



CareTech is made up of amazing people. Each of us is unique, whether in terms of our background, personal characteristics, experience, skills or motivations. And we value our people for the differences they bring to the table. These differences - this diversity - is powerful.

Fostering an inclusive culture helps each of us to benefit from a wider range of these different perspectives, experiences and skills. We believe that this creates a happier, more productive working environment for us all.

To support this inclusive culture, this policy:

- outlines our commitment throughout the employment lifecycle to equality, diversity and inclusion and sets out how we put this commitment into practice;
- explains the behaviours we expect of our people in support of this commitment; and
- sets out the key steps we take to make our culture as inclusive as possible, including our diversity and inclusion framework and how we ensure equality of opportunity throughout the employment lifecycle.

This policy does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.

## **2 Scope**

This policy applies to anyone working for us. This includes employees, workers, contractors, volunteers, interns and apprentices. The policy also relates to job applicants, and is relevant to all stages of the employment relationship.

The policy accompanies our Anti-harassment and anti-bullying policy.

## **3 Legislative Framework**

We are committed to complying fully with our legal obligations under equality laws and guidance, and to responding to these speedily and thoroughly. Equality Act 2010 The Equality Act 2010 came into force on 1 October 2010. It brings together over 116 separate pieces of legislation into one single Act so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behavior that is unlawful.

The nine main pieces of legislation that merged were:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007



## 4 Our commitment to you

We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

We are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

We ensure that our recruitment, promotion and retention procedures do not treat people less favourably because of their:

- disability;
- gender, gender identity or gender reassignment status;
- marital status;
- race, racial group, ethnic or national origin, or nationality;
- religion or belief;
- sexual orientation;
- age;
- civil partnership status;
- pregnancy or maternity;
- paternity;
- educational background;
- socio-economic background;
- caring responsibilities;
- part-time status; or
- fixed-term status.

## 5 What we expect from you

We expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting and applying this policy. Our culture is made in the day-to-day working interactions between us so creating the right environment is a responsibility that we all share.

Cultivating this culture does not happen by accident but requires ongoing commitment and nurturing. The reality is that we live in a world where areas of difference (whether gender, sexual orientation, ethnicity or others) often translate to biases, challenges and barriers that may not be faced by others. And the more areas of difference a person brings, the more this effect can be compounded.

We expect you to treat your colleagues and third parties (including customers, suppliers, contractors, agency staff and consultants) fairly and with dignity, trust and respect. Sometimes,



this may mean allowing for different views and viewpoints and making space for others to contribute.

By embedding such values and constructively challenging inappropriate comments or ways of working, you can help us achieve and maintain a truly inclusive workplace culture.

Any dealings that you have with colleagues or third parties must be free from any form of discrimination, harassment, victimisation or bullying.

If any of our people is found to have committed, authorised or condoned an act of discrimination, harassment, victimisation or bullying, we will take action against them including under our Disciplinary procedure.

You should be aware that you can be personally liable for discrimination and harassment.

## **6 Discrimination**

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- sexual orientation;
- age; and
- pregnancy or maternity

Discrimination can be intentional or unintentional and may occur directly, indirectly, by association, or by perception.

There are also two specific types of discrimination that apply only to disability: "discrimination arising from disability" and "failing to make reasonable adjustments".

Discrimination is not always obvious and can be subtle and unconscious. This stems from a person's general assumptions about the abilities, interests and characteristics of a particular group that influences how they treat those people (known as "unconscious bias"). Such assumptions or prejudices may cause them to apply requirements or conditions that put those in particular groups at a disadvantage.

Examples include:

- steering employees into particular types of work on the basis of stereotypical assumptions without considering the particular attributes and abilities of individuals;
- recruiting or promoting individuals into particular roles because of assumptions about the reactions or preferences of other employees or clients; and
- using different standards for different groups of employees to judge performance

## 7 Different types of discrimination under the Equality Act 2010

**Direct discrimination:** Treating someone less favourably because of a protected characteristic compared with someone who does not have that characteristic (for example choosing not to recruit someone because they are disabled and you think they "wouldn't fit in" to the team).

**Indirect discrimination:** Where a policy, procedure or way of working that applies to everyone puts people with a particular protected characteristic at a disadvantage, compared with people who do not have that characteristic, unless there is a good reason to justify it. An example is introducing a requirement for all staff to finish work at 6pm. It is arguable that female employees, who statistically bear the larger share of childcare responsibilities could be at a disadvantage if the new working hours prevent them from collecting their children from school or nursery.

**Associative discrimination:** Treating someone less favourably because they are associated with someone who has a protected characteristic, for example because their partner is transgender.

**Discrimination by perception:** Treating someone less favourably because you perceive them to have a protected characteristic even if they do not, for example choosing not to promote someone because you mistakenly perceive them to be gay.

**Discrimination arising from disability:** Treating someone unfavourably because of something connected with that person's disability and where such treatment is not justified. Examples include:

- dismissing or failing to pay a bonus to someone because of their disability-related absence; or
- disciplining someone for losing their temper where such loss of temper was out of character and was due to severe pain caused by them having cancer.

**Failing to make reasonable adjustments:** Employers are legally obliged to make reasonable adjustments to ensure that aspects of employment, or the employer's premises, do not put a disabled person at a substantial disadvantage. Failing to comply with this duty is unlawful.

Examples of reasonable adjustments might include:

- allocating some of the disabled person's duties to a colleague;
- changing their working hours or place of work;
- adjusting procedures for assessing job candidates; and
- modifying disciplinary and grievance procedures.

### 7.1 Harassment and sexual harassment

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

**Sexual harassment is:**

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

You should refer to our Harassment and Bullying Policy for further information on our procedure for reporting harassment.

## 7.2 Victimation

Victimation is treating another person detrimentally either because that person has made a complaint of discrimination or harassment, or because they have supported someone else who has made such a complaint, for example by giving a witness statement that supports the allegations.

## 7.3 Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient (See also the schools Anti-bullying policy which includes the NSPCC definition of bullying)

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online or on social media. Bullying may occur at work or outside work. If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

## 8 Equality of opportunity

### 8.1 Recruitment

We take reasonable and appropriate steps to encourage job applications from as diverse a range of people as possible. Anyone making a decision about recruitment must not discriminate in any way and must have attended appropriate Equality and Diversity training. Every decision-maker should challenge themselves, and other members of the recruitment selection panel, to make sure that any stereotypes, unconscious bias or prejudice do not play any part in recruitment decisions.

### 8.2 Career development

Any decision made in relation to a person's promotion or career development must be free from discrimination. We ensure that selection criteria and processes for recruitment and promotion are reviewed on a regular basis so that there is no discriminatory impact on a certain group.

## 9. Disability inclusion

### 9.1 Recruiting people with a disability

The recruitment team will consider disability in advance of a recruitment campaign so that advertising, application forms and assessments, arrangements for interviews, job descriptions and employee specifications, and selection criteria are appropriate and as inclusive as possible.

We will ask applicants at the outset if they require any reasonable adjustments to be made to the recruitment process. These may include; ensuring easy access to the premises for an interview/adapting psychometric tests/replacing psychometric tests with an alternative



option/providing an alternative to a telephone interview for a deaf candidate/providing a suitable chair for an interview with a candidate suffering from back problems.

If you are involved in the interview process, you must not ask job applicants about their health or disability except with prior approval from a senior member of the Recruitment or HR team. Such approval is given only in exceptional circumstances and only where there are specific legal grounds for doing so.

### **9.2 Talking about disability**

We understand that some people find it hard to discuss their disabilities and that disability can be invisible.

Psychological safety, where people feel able to speak up about their experiences without fear of negative consequences, is paramount to ensuring disability inclusion.

However, this is only possible if we treat people with dignity, trust and respect and we expect everyone to uphold these values.

We do not tolerate ableist language in our organisation. Ableist language is language that is negative, inappropriate or offensive towards people with a disability and may take the form of jokes or "banter". If you adopt such language, we will take action against you including under our Disciplinary Process.

### **9.3 Reasonable adjustments**

If you have a disability, you do not have to tell us. However, we would encourage you to let us know so that we can support you, for example by making reasonable adjustments to our premises or to aspects of your role, or to our working practices.

If you are experiencing difficulties at work because of your disability, please speak to your line manager or a member of the HR team to discuss potential reasonable adjustments that may alleviate or minimise such difficulties. We may need to discuss your needs with you and your medical adviser to help us get the right support in place.

For colleagues who are returning from long-term disability-related absence, we have a return-to-work support programme in place. For further information, please speak to your line manager or a member of the HR team.

### **9.4 Support**

If you have a disability, or you care for someone with a disability, and need emotional support or help with practical issues, please contact our employee assistance programme for free, confidential advice. You can contact them on 0800 028 0199 and quote ref MHA095331.

### **9.5 Accessibility**

If you experience accessibility issues due to your disability, for example because of aspects of our premises or because you do not have adaptive equipment to help you perform your role, please speak to your line manager or a member of the HR team to discuss any reasonable adjustments that may be available.



## 10 Training

If you are involved with making decisions about a person's employment, you must attend appropriate equality, diversity and inclusion training.

All new starters must attend equality, diversity and inclusion training as part of their onboarding/induction programme.

Every current employee must complete regular equality, diversity and inclusion training on at least an annual basis.

We expect all our people to proactively support our equality, diversity and inclusion initiatives, every day, without exception.

## 11 Pay awards

The Company's arrangements for determining employee salaries are based on the principle of awarding individual merit and therefore providing equality of pay regardless of gender, marital status, age, disability, colour, race, nationality, citizenship, ethnic or national origin, religion or sexual orientation or the number of hours they work. These arrangements are designed to ensure that pay awards are based on objective criteria, free from discrimination and have due regard to the principle of equal pay for work of equal value.

## 12 Progressive Medical Conditions

It is CareTech's policy to ensure that all employees with potentially contagious diseases, for example:

- HIV/AIDS
- SARS
- Hepatitis A, B or C

are treated equally and not discriminated against, and that all possible measures are taken within the Company to ensure they have reasonable time off work for health-check appointments and any necessary workplace adjustments.

Though a person with HIV / AIDS and other conditions may not consider themselves to be disabled, they are afforded protection under legislation as the ailment is considered a disability as HIV can be a progressive condition controlled by drugs.

As a person's HIV status is not obvious, it is up to the infected worker to disclose their status to line management. The Company will encourage further disclosure only when absolutely necessary and will do everything possible to ensure the support of fellow workers. Further disclosure might be beneficial when the infected employee explicitly wishes and consents to it in order to reduce the stress of not divulging or when it helps facilitate the person's ability to do the job.

If the infected worker does not want to disclose their HIV status, the Company is obliged by the General Data Protection Regulation (GDPR) and the Human Rights Act to keep it confidential. All necessary employee training on how to deal with the information will be carried out. If any



adjustments are necessary, the employee's colleagues do not need to be told the precise medical reason.

Any harassment of CareTech workers infected with HIV or other potentially contagious diseases will not be tolerated and we will take action against them including under our Disciplinary procedure.

## **13 Responsibilities and Procedure**

### **13.1 The Group Board**

The Group board fully endorses this Policy and holds ultimate responsibility for reviewing and achieving its aims. The Group Board recognises its role in being responsible and accountable for the development of diversity awareness in the Company and as such lead by example.

### **13.2 The Human Resources Department**

The HR department, will collate information, solely for the purpose of monitoring equal opportunity and to ensure that;

- There is no discrimination in selection decisions in recruitment, promotion, transfer or training.
- Grievances are dealt with in a fair and consistent manner, and
- Any allegation of discrimination has been investigated and treated seriously and to take up any follow-up action as required

These records will be maintained solely for the purpose of monitoring equal opportunity and decision making to actively promote equal opportunities.

- All personal data collected for equality and diversity monitoring such as race, gender or disability is confidential. We monitor to ascertain if a person has any needs related to a diversity characteristic. This information is treated sensitively and without prejudice.
- We are committed to promoting equality of opportunity on all equality grounds. Information collected allows CareTech to assess how we are meeting this commitment and how we can improve recruitment or retention for people with particular characteristics. We are keen that our workforce represents the diverse communities we serve.
- We publish information each year on our website relating to the Gender pay gap.

This policy is available to all employees during recruitment and via our policy portal. Stakeholders may also access our portal on request.

### **13.3 Managers**

All managers are responsible for implementing and enforcing this Policy and ensuring that their teams and employees are aware of their responsibilities.

Managers should promote, respect and encourage each employee to reach their full potential and deal appropriately with any breach of this Policy. They are to ensure all employees are



trained and made aware of their responsibilities, under the company policy and through legislation, providing additional development and support where necessary.

In addition, they should monitor and ensure that:

- Grievances are dealt with in a fair and consistent manner.
- Correct records of employment decisions are maintained and regular reviews carried out of employment practices.
- There is no discrimination in selection decisions in recruitment, promotion, transfer or training.
- Any employee who has taken action on the grounds of discrimination will not be treated any less favourably than any other member of staff.
- Any allegation of discrimination will be investigated and treated seriously.

#### **13.4 Individual Employees**

All employees of CareTech, at every level, have an individual responsibility for ensuring that there is equality of treatment and opportunity and adherence to this Policy.

Each employee should endeavor to promote a working environment free from prejudice and discrimination by personally exhibiting the correct behaviour and challenging any colleague who falls short of these expectations.

Everyone has a responsibility to co-operate with the measures introduced regarding equal opportunity and diversity, and not to:

1. Discriminate against any other employee.
2. Induce, or attempt to induce, other employees to practice unlawful discrimination.
3. Victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information on discrimination.

#### **14 Policy Enforcement**

The Company will not tolerate behaviour in the form of discrimination, victimisation, harassment or bullying.

Legislation and associated company regulations exist to protect employees, and there are a number of policies and procedures in place that are regularly reviewed to support the legislation.

Breaches of our Equality and Diversity Policy will be regarded as misconduct and could lead to a disciplinary proceeding.

#### **15 Reporting Complaints**

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily.

Any employee found or suspected of harassing or bullying another person may well face severe disciplinary action if, following an investigation into the circumstances, an outcome of reasonable belief is found that bullying, discrimination or harassment has taken place.

The perpetrator(s) will be dealt with through the company disciplinary procedure.

The Company will not ignore or treat lightly grievances or complaints of discrimination or harassment from employees. If an employee wishes to make a complaint of discrimination, they should use the Company's grievance procedure.



With cases of Harassment, while the Company encourages employees who believe they are being harassed or bullied to notify the offender that their behaviour is unwelcome; the Company also recognises that there may be a perceived status disparity that individuals may consider makes such confrontation impractical.

In the event that such informal direct communication is impractical, such discussion had been ineffective or indeed it is considered that the situation is too serious to be dealt with informally, you should follow the procedure set out below.

## **16 Procedure**

If you wish to make a complaint of harassment, whether against a fellow employee or a third party, such as a client, customer, contractor or supplier, you should follow the following steps:

1. Report the incident of harassment to your line manager as soon as possible. If you do not wish to speak to your line manager, you can instead speak to an alternative manager or to a member of the Human Resources Department; it may be more comfortable to place your concerns in writing and then forward them onto the relevant person.
2. Such reports should be made promptly so that investigation may proceed and any action taken as speedily as possible.
3. All allegations of harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of your complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser so that they can fairly respond to the allegations. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.
4. The Company will also invite you to attend at least one meeting at a reasonable time and place at which your complaint can be discussed. You must take all reasonable steps to attend that meeting and you have the right to be accompanied at it by either a trade union official or a fellow employee of your choice.
5. Once the investigation has been completed, you will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against the Company's decision if you are not satisfied with it. The Company is committed to taking appropriate action with respect to all complaints of harassment which are upheld. If appropriate, disciplinary proceedings will be brought against the alleged harasser.
6. If you wish to appeal against the Company's decision, you must appeal in writing to a more senior manager within five working days of the Company's decision. On receipt of an appeal, a more senior manager (who may not be the person to whom you addressed your appeal) shall make arrangements to hear it at an appeal meeting and at that meeting you may again,



if you wish, be accompanied by either a trade union official or a fellow employee of your choice.

7. You must take all reasonable steps to attend that meeting. Following the meeting, the relevant manager will inform you in writing of the Company's final decision on your appeal.

8. You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith; any accusations found to be malicious will be dealt with under the Company disciplinary procedure.

9. If your complaint is upheld and the harasser remains in the Company's employment, the Company will take all reasonable steps to ensure that you do not have to continue working alongside them if you do not wish to do so. The Company will discuss the options with you.

If your complaint is not upheld, arrangements will be made for you and the alleged harasser to continue or resume working and to repair working relationships.

Additionally, mediation through a Workplace Mediator, internal or external, may be offered and made available by the company as a further tool to assist in moving to a mutually acceptable conclusion together with additional training for the parties involved. Alternatively, you may, if you wish, use the Company's grievance procedure to make a complaint of harassment.

Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the Company's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, line managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Company's disciplinary procedure.

## **17 Monitoring Equal Opportunity and Dignity at Work**

The Company will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices.

If changes are required, the Company will implement them. The Company will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.

## **18 Contact details**

### **18.1 CareTech**

If you have any concerns about equality and diversity and do not feel able to raise this with your line manager or regional HR Business Partner, you can contact CareTech Senior management:

Group Freedom to Speak Up Guardian  
Margaret Hounslow  
Interim Group Executive Director, Compliance  
07800512584  
[Margaret.Hounslow@Carettech-uk.com](mailto:Margaret.Hounslow@Carettech-uk.com)

Shilleen Freeth



Group Head of Human Resources  
07929042220  
Shilleen.freeth@caretech-uk.com

Where concerns affect the well-being of individuals we support and you feel unable to raise internally, this can be raised with the placing authority or the relevant care regulator.

#### **18.2 Care Quality Commission**

CQC National Customer Service Centre  
Citygate  
Gallowgate  
Newcastle upon Tyne NE1 4PA  
Tel: 03000 616161 [www.cqc.org.uk](http://www.cqc.org.uk)

#### **18.3 Social Care Wales**

Social Care Wales  
South Gate House  
Wood Street  
Cardiff CF10 1EW  
Tel: 0300 303 3444 [info@socialcare.wales](mailto:info@socialcare.wales)

#### **18.4 Care Inspectorate**

Compass House  
11 Riverside Drive  
Dundee DD1 4NY  
Tel: 0345 600 9527 [enquiries@careinspectorate.gov.scot](mailto:enquiries@careinspectorate.gov.scot)

#### **18.5 Ofsted**

[enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
0300 123 1231

### **19 Revision History**

This policy will be updated when appropriate, in line with any Company or regulatory changes.

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